

16-JUN-2006 16:12 Von: CLARIANT PAT. DEPT.

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PCT/EP2004/005458

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

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PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis, 3(c) and 72.2)

To

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Akto/Vorg

Eing 04. Mai 2006

☐ WV☐ ablegen☐ verteilen

Date of mailing (day/month/year)
27 April 2006 (27.04.2006)

Applicant's or agent's file reference
2003DE120

International application No.
PCT/EP2004/005458

IMPORTANT NOTIFICATION

International filing date (day/month/year)
21 May 2004 (21.05.2004)

Applicant: CLARIANT-GMBH et al.

1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter III).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

KR

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume D of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
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1211 Geneva 20, Switzerland

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Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

PCT Article 30 and Rule 70i

Applicant's or agent's file reference 2003DE120	FOR FURTHER ACTION		See Form PCT/HPAN 16
International application No. PCT/EP2004/005458	International filing date (dd/mm/yyyy) 21.05.2004	Priority date (dd/mm/yyyy) 11.06.2003	
International Patent Classification (IPC) or national classification and IPC			
Applicant CLARIANT GMBH			
<p>1 This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2 This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3 This report is also accompanied by ANNEXES, comprising:</p> <p>a <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>1</u> sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70i 1b and Section 607 of the Administrative Instructions)</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions)</p> <p>4 This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input checked="" type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand		Date of completion of this report	
Name and mailing address of the IPHA/EP		Authorized officer	
Facsimile No.		Telephone No.	

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/005458

Box No. 1

Title of the report

1 With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:

☐ international search (Rule 12.3 and 23.1(b))

☐ publication of the international application (Rule 12.4)

☐ international preliminary examination (Rule 55.2 and/or 55.3)

2 With regard to the elements of the international application, this report is based on *replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not marked in this report*:

☐ the international application as originally filed/furnished

☒ the description: _____ as originally filed/furnished

pages 1-20

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☒ the claims: _____ as originally filed/furnished

nos. 6 (in part), 7-9

nos.* _____ as amended (together with any statement) under Article 19

nos.* 2-4, 6 (in part) received by this Authority on 24.11.2004 with letter

nos.* _____ received by this Authority on of 23.11.2004

☐ the drawings: _____ as originally filed/furnished

sheets _____

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (specify): _____

☐ any table(s) related to sequence listing (specify): _____

3 ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c))

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (specify): _____

☐ any table(s) related to sequence listing (specify): _____

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/005458

Box No. II

Priority

- 1 ☒ This report has been established as if no priority had been claimed due to the failure to furnish within the prescribed time limit the requested:
- ☒ copy of the earlier application whose priority has been claimed (Rule 66 7(a))
 - ☐ translation of the earlier application whose priority has been claimed (Rule 66 7(b))
- 2 ☐ This report has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rule 64 1). Thus for the purposes of this report, the international filing date indicated above is considered to be the relevant date
- 3 Additional observations, if necessary:

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No

PCI/EP2004/005458

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement		
1	Statement		
	Novelty (N)	Claims 1-9	YES
		Claims	NO
	Inventive step (IS)	Claims 1-9	YES
		Claims	NO
	Industrial applicability (IA)	Claims 1-9	YES
		Claims	NO
2	Citations and explanations (Rule 70.7)		
	1. This report refers to the following documents:		
	D1: EP 1 122 286 A (SEIKO EPSON CORP), 8 August 2001 (2001-08-08)		
	D2: WO 01/62859 A (FERN WILLIAM ALBERT; AVECIA LTD (GB); HOPPER ALAN JOHN (GB)), 30 August 2001 (2001-08-30)		
	2. Document D1 discloses (the references in parentheses are to D1) a pigment dispersion containing 0.02 parts 2-methyl-4-isothiazolin-3-one, 0.08 parts 5-chloro-2-methyl-isothiazolin-3-one, and 0.32 parts 2-bromo-2-nitropropane-1,3-diol [0550] in Example 4-4. The masses in Example 1-1 contain approximately 800 ppm polyvalent metals [0651]. D1 does not describe a combination of the biocide mixture with a colourant containing a heavy metal complex.		
	The application therefore meets the requirement of PCT Article 33(2).		
	3. The application addresses the problem of precipitation phenomena that can appear when biocides are combined		

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No

PCT/EP2004/005458

Box No. V

Reasoned statement under Article 33(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting each statement

with colourants containing heavy metals (see Table 1).
This problem is not mentioned in any of the prior art documents, and the prior art does not contain anything to suggest the use of the claimed three-component biocide combination to solve such a problem.

The application therefore also meets the requirement of PCT Article 33(3).

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